



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/720,489

11/24/2003

Alan L. Billings

930034-2040

4548

20999 7590 02/05/2007
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

02/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,489

Applicant(s)

BILLINGS, ALAN L.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed 11-13-2006, which has been entered.

Claims 1-3, 5 and 7 are currently pending.

Claim Rejections - 35 USC § 102

1. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin (US 2004,0033856). Levin discloses a belt (5) comprising an endless metal spiral link base (2/4) (see para. [0018], line 5), which defines a top surface and a bottom surface; each spiral defines an internal space (6/8) and pintles (3) extending through the internal spaces adjacent the spiral.

In claim 7, Levin clearly discloses the fibers (not labeled) inherently disposed in the spiral.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (6,932,756) in view of JP (4-24298) to Fukuyama et al. Franchi discloses a belt comprising an endless spiral-link base, the base defining a top surface inherently defines a top surface and a bottom surface and including a plurality of preferably fabric spiral, each spiral inherently defining an internal space (not labeled in fig. 3), wherein the spiral are interconnected by a series of parallel pintles (3) extending through the internal spaces of adjacent spiral (2). Franchi does not disclose the spiral link base is made of metal. JP (4-24298) discloses a belt for forming paper machine, wherein the belt is comprises a spiral link base (2a) formed from a metal in order to provide low elongation an, dimension regulation and excellent durability. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Franchi so that the spiral link base is made from metal in view of JP (4-24298) to Fukuyama et al. in order to provide low elongation an, dimension regulation and excellent durability.

5. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of JP (10-29252). Levin fails to disclose the belt is used as a singlefacer and doublefacer belt. JP (10-292252) discloses an endless belt being used with a singlefacer and double facer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Levin so that the belt is a singlefacer and doublefacer belt in view of JP (10-29252) in order to reduce stoppage due to maintenance due to increase temperatures and to reduce failure due to friction.

Art Unit: 3682

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Bascom (3,263,799). Levin does not disclose the metal is stainless steel.

Bascom et al. disclose a belt having spirals (2), which are made from stainless steel (see col. 1, lines 54-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the metal spiral of Levin so that it is stainless steel in order prevent contamination due to increase temperatures, adverse atmospheric elements and decay due to moisture.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Citation


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bachmann et al. (6,654,122) and Schjervern, Sr. et al. discloses a belt having a spiral link base made from metal.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marcus Charles
Primary Examiner
Art Unit 3682
January 29, 2007